

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID LETT,

Plaintiff,

Case No. 11-14714

v.

HONORABLE STEPHEN J. MURPHY, III

OMEGA FINANCIAL, INC.,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION (docket no. 12)
AND GRANTING IN PART MOTION FOR FEES AND COSTS (docket no. 9).

Plaintiff David Lett filed this action on October 26, 2011, alleging that Defendant Omega Financial, Inc. ("Omega") violated the Fair Debt Collection Practices Act, the Michigan Collection Practices Act, and the Michigan Occupational Code when it attempted to collect a debt Lett owed to a fraternity. Omega did not file an answer to the complaint. On January 25, 2012, the Court entered an order of default judgment against Omega in the amount of \$1,000, plus attorney fees and costs. ECF No. 7. Lett filed the instant motion for fees and costs on March 1, 2012. ECF No. 9. The matter was referred to a magistrate judge. On September 6, 2012, the Magistrate Judge issued a Report and Recommendation ("Report") suggesting granting the motion in part and awarding Lett \$2,795.50 in attorney's fees and \$410 in costs, for a total of \$3,205.50. ECF No. 12. Neither Lett nor Omega filed an objection to the Report.

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is only required if the parties "serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). Nevertheless, because a district judge always retains jurisdiction over a motion

after referring it to a magistrate judge, he is entitled to review the magistrate judge's findings of fact and conclusions of law on his own initiative. See *Thomas v. Arn*, 474 U.S. 140, 154 (1985) (clarifying that while a district court judge need not review a report and recommendation "de novo if no objections are filed, it does not preclude further review by the district judge, sua sponte or at the request of a party, under a de novo or any other standard").

Because neither the plaintiff nor defendant filed objections, de novo review of the Report's conclusions is not required. Having reviewed the Report's analysis, in light of the record, the Court finds that its conclusions are factually based and legally sound. Accordingly, it will adopt the Report's findings and grant in part the motion for attorney's fees and costs. The Court will also require Omega to remit the award to Plaintiff's counsel on or before November 2, 2012.

WHEREFORE, it is hereby **ORDERED** that the Report (docket no. 12) is **ADOPTED**.

IT IS FURTHER ORDERED that Lett's motion for attorney's fees and costs pursuant to the judgment (docket no. 9) is **GRANTED IN PART** in the amount of \$2,795.50 in attorney's fees and \$410 in costs, for a total of \$3,205.50.

IT IS FURTHER ORDERED that Omega is ordered to remit the amount of the award to Plaintiff's counsel on or before November 2, 2012.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: October 3, 2012

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 3, 2012, by electronic and/or ordinary mail.

Carol Cohron
Case Manager